

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, NOVEMBER 1, 2005
ABLONDI ROOM**

1 **Attendance:** Katherine E. Murphy, Chair; John H. Stasik, Vice Chair; Charles J.
2 Sisitsky, Clerk; A. Ginger Esty, Member

3
4 **Staff:** George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager;
5 Scott T. Morelli, Executive Assistant

6
7 Meeting called to order at 7:01 PM. Ms. Murphy read the agenda. Ms. Esty was not
8 present.

9
10 Public Participation

11 Mr. Harold Wolfe requested a response to questions he previously submitted about the
12 bylaws. Ms. Murphy hoped to get a response to Mr. Wolfe within a week.

13
14 Mr. Gregory Rotatori said many lots in Framingham required an update to their zoning
15 category to reflect the general direction of the land in the area of the lot by taking into
16 consideration the lot's current use and the use of surrounding lots. He mentioned 507,
17 601, and 615 Old Connecticut Path as examples and said they abutted the new Cochituate
18 Rail Trail, the Cochituate Brook Reservation, Reardon Park, and the Oaks neighborhood.
19 Mr. Rotatori said these lots were zoned category M, which allowed for heavy
20 manufacturing. He said thankfully two of these lots were being used for low impact retail
21 services and noted the third lot provided for loam and mulch services and processing
22 under a State farm silo category. Mr. Rotatori said the Oaks Neighborhood Association
23 (ONA) was looking to rezone these three lots to category P, professional services, which
24 would limit the impact and risk of any future use to the surrounding environment. He
25 said it was critical to rezone these lots immediately. Mr. Rotatori noted a Planning
26 Department letter to the Zoning Board of Appeals (ZBA) which he said stated that use of
27 these lots for manufacturing would be a step back. He said the ONA requested that the
28 Board bring this matter to the Planning Board so it could be voted on at a Special Town
29 Meeting.

30
31 Ms. Audrey Hall asked the Board to help the ONA by referring this to the Planning
32 Board. She noted a petition of 237 validated signatures that was submitted in order to
33 pursue the rezoning of this particular area of land.

34
35 Mr. Sisitsky clarified that the purpose of the Special Town Meeting was to rezone those
36 three parcels. He said the Planning Board would have to hold a public hearing in order
37 for the meeting to take place. Mr. Sisitsky said he supported the ONA in stopping the
38 concrete plant from being built. He asked about the proposed change to professional
39 office zoning and wondered what this did to the gas station or car dealership currently
40 there. Ms. Hall said this did not create a non-confirming use for these companies.

41
42 Mr. Stasik said speed was important in this matter and thanked the ONA for their efforts.

43
44 Ms. Murphy noted the importance of its proximity to the neighborhood and the rail trail.

1
2 MOVED: To refer the matter of rezoning these parcels to the Planning Board in
3 anticipation of the Board of Selectmen calling a Special Town Meeting.

4 Motion: Mr. Sisitsky Second: Mr. Stasik

5 VOTE: 3-0-0

6
7 Mr. Sisitsky suggested having the Town Manager bring a warrant to be opened and
8 closed for next week's meeting. He said the Planning Board had to have a hearing before
9 Town Meeting could consider it. Mr. King recommended a December 7, 2005 Special
10 Town Meeting although he was unsure of the Planning Board's schedule. Mr. Purple
11 said he would check with Mr. Jay Grande, Planning Board Administrator, on timetable.

12
13 Public Hearings

14 None

15
16 Action Items

17 *Consideration of Appointment to Disability Commission*

18 Mr. Keith Marable, Sr. sought appointment to the Disability Commission. Ms. Murphy
19 noted a communication from the chair of the Disability Commission, Mr. Dennis Polselli,
20 regarding Mr. Marable's appointment. Mr. Marable said he applied for the position
21 because he felt it was a useful entity and noted that he was disabled and the Commission
22 had come to his aid. He noted that he attended their meetings and said this was an
23 opportunity to pay back support that he had gotten from others. Mr. Marable said he had
24 studied the laws and regulations regarding rights for people with disabilities and felt he
25 would be an asset to the community and commission.

26
27 Mr. Stasik said he was inspired by Mr. Marable's letter of application and was pleased he
28 volunteered for this position.

29
30 MOVED: To appoint Mr. Keith Marable to the Disability Commission.

31 Motion: Mr. Stasik Second: Mr. Sisitsky

32 VOTE: 3-0-0

33
34 *Consideration of Appointment to HOPWA Advisory Committee*

35 Ms. Murphy said the Office of the City Manager of the City of Lowell requested a
36 Framingham appointee to the committee for a three year term. Mr. King said there were
37 no applicants and queried if the Board would like to advertise for this position. Mr.
38 Stasik suggested contacting the hospital for potential candidates and to advertise it.

39
40 *Consideration of Holiday Schedule for Town Employees*

41 Mr. King recommended keeping the Memorial Building open on December 23, 2005
42 until 5:00 PM but closing it on Friday, November 25, 2005. He said the November
43 closing had worked well the past two years and there had been no complaints about being
44 closed. Ms. Murphy asked about business on the day after Thanksgiving. Mr. King said
45 it hadn't been busy. Mr. Sisitsky asked if departments not located in the building such as
46 the Parks and Recreation Department and Department of Public Works would be open.
47 Mr. King said that it depended on the contract language.

1
2 Mr. Stasik asked if the Board should be concerned about an equity issue and Mr. King
3 said it was ok because there were not any unions within the town hall and it was a Board
4 decision.

5
6 MOVED: To accept the Town Manager's recommendation regarding the closing of the
7 building on the day after Thanksgiving.

8 Motion: Mr. Sisitsky Second: Mr. Stasik

9 VOTE: 3-0-0

10
11 Nuisance Complaint

12 Ms. Murphy said this issue arose last week and the Board thought it appropriate to put it
13 on the agenda. She invited all parties present to come forward. Mr. Joseph Bradley and
14 Mr. Joseph Mikielian, Director of Inspectional Services, came forward.

15
16 Mr. Bradley thanked the Board for the opportunity to speak and Mr. Mikielian for his
17 work. He said this issue started with a meeting in town hall several years ago
18 complaining about Dave Gardner Construction violating their permit. He called Mr. John
19 Kahn who suggested filing a nuisance complaint, after which the inspectional staff met
20 with him. Mr. Bradley said the issue was ongoing. He noted that there were school
21 children waiting for the bus while diesel engines idled. Mr. Bradley said residents could
22 not walk down the sidewalk because of materials that were pushed through the fence. He
23 said he had documentation for the past four years. Mr. Bradley said that in May 2005
24 Mr. Gardner moved much of his equipment to the roof of his building because he would
25 be fined by the Town for leaving it in his yard. He said in June 2005 he spoke with his
26 attorney and sent a letter to Mr. Gardner asking him to remove it for safety concerns. In
27 early July 2005, Mr. Bradley said he sent a letter to Inspectional Services and noted these
28 safety issues. He said that when he returned from vacation in August 2005 all the items
29 were still there. Mr. Bradley then sent another letter in September 2005 when it came to
30 the Board's attention, at which time Mr. Mikielian's staff came out and the items were
31 removed from the roof. He said he had no problems with the previous commercial
32 owner. Mr. Bradley said that last year his attorney asked Mr. Mikielian's office to send a
33 copy of the bylaws. He noted that Mr. Gardner had to do all his work inside the building,
34 among other restrictions. Mr. Bradley said that Mr. Gardner brought in a small piece of
35 construction debris that was from off site and dumped it into an uncovered dumpster that
36 was overflowing and blew into his yard and the street. He said Mr. Gardner had been
37 fined by the Town and by the court. Mr. Bradley asked the Board why this had been
38 ongoing for four years and said just fining him was not an acceptable answer for the
39 neighborhood. He said tonight it had been cleaned up because of the fines but it would
40 not be this way in two weeks.

41
42 Ms. Esty entered the room.

43
44 Mr. Mikielian said there had been complaints since March 2002 and his office had
45 completed 27 inspections at this site, more than any other site in Town, and had issued
46 fines. He said Mr. Gardner had paid over \$1,100 worth of tickets and at various times he
47 had corrected some of the violations. Mr. Mikielian noted a time period from the end of

1 March 2002 to June 2003 when there were no complaints or violations, as well as June
2 2004 to December 2004. He said Mr. Gardner had recently been fined three times but he
3 had not paid these fines and was being taken to court as a result. Mr. Mikielian said
4 when he was notified of materials on the roof his office immediately sent them an order
5 stating that they must remove them or the building would be condemned. He said once a
6 problem was rectified there was nothing more the Town could do. Mr. Mikielian noted
7 that the current fines were \$300 per day, which would be payable even if Mr. Gardner
8 cleaned up the area. He said that when his department was informed of violations they
9 had made a full and complete response.

10
11 Mr. Sisitsky asked Mr. Mikielian about the \$300 per day fines and what bylaw this came
12 under. Mr. Mikielian said the Town could use zoning and nuisance. Mr. Sisitsky asked
13 if there was any other Town bylaw that the person could be cited under and noted the
14 sidewalk being blocked. Mr. Mikielian said he could not think of any other bylaw for
15 blocking a public way but said it might be a police matter. Ms. Murphy said idling and
16 blocking a public way were State laws. Mr. Sisitsky asked if that use was allowed by
17 right in the district or only by special permit. Mr. Mikielian said it was a grandfathered
18 use and noted that the property was the Old Worcester Gas and Light company and said
19 that there had been some thought of industrial office parking lot use for well over 50
20 years.

21
22 Mr. Stasik said he checked out the site and said if it occurred in his neighborhood he
23 would not put up with it. He said in the short term Mr. Mikielian should continue with
24 what he was doing and fine Mr. Gardner. Mr. Stasik said he realized it was a drain on
25 Inspectional Services but that it was advised because at some point it would affect the
26 bottom line of Mr. Gardner's business. He apologized to Mr. Bradley and the neighbors
27 who had to face this. Mr. Stasik said he was encouraged to see the letter from Mr.
28 Gardner's attorney saying that they would be willing to speak with the Board about this.

29
30 Ms. Esty said last time Mr. Mikielian was present she asked why this address hadn't been
31 spotted on the nuisance complaints report until recently. Mr. Mikielian said that it was
32 either because it had been on the list on and off and like any other violation it stayed on
33 the list until it was abated. Ms. Esty said a lot of times the list said the violation was
34 resolved, even several months after and asked for a print out on the address. She said it
35 was hard for the neighbors to keep complaining over the years and asked Mr. Bradley if
36 part of the no complaint time periods were due to becoming tired with complaining about
37 these issues. Mr. Bradley said he took no pleasure in writing the complaints and said he
38 did get tired of complaining. He asked Mr. Mikielian about going to court and he said
39 the clerk that was hearing the matter was about to reduce the fine and when he testified
40 he increased the fine to \$500. Mr. Bradley said since then they had been back to court
41 but he had not been invited. He said the court should not be decreasing fines and they
42 should hear from those affected. Mr. Bradley asked the Board to ask Mr. Mikielian when
43 he was going to court as the neighborhood would go as well so fines could be increased.
44 Ms. Murphy said the reason for calling this meeting was not to take the place of the court
45 but to investigate if the nuisance bylaw needed to be updated. She said it was a
46 deplorable situation. Ms. Murphy said she appreciated the work of Inspectional Services.
47 Mr. Mikielian said he would let Mr. Bradley know about court dates.

1
2 Ms. Esty recalled the problem with the junk yard where the Board had the violators come
3 to a meeting to work something out. Mr. Sisitsky said the Board had leverage over them
4 because they had to be licensed and asked Mr. Mikielian if Mr. Gardner required any
5 licenses from the Town. He wondered if there was any other way such as getting a cease
6 and desist order. Mr. Mikielian said the Town would have to show an egregious
7 situation, such as harm to individuals or a public health or safety hazard. He said these
8 were nuisance and zoning regulations and fines had been an appropriate means of
9 enforcement and was unsure what else the Town could do. Ms. Esty asked if the Town
10 could start with a change of use of the building and have a site review of what was going
11 on there. She said Mr. Mikielian assumed it was grandfathered there because business
12 had been there. Mr. Mikielian said there had been a parking lot there for over 50 years
13 and the issue was that Mr. Gardner was using this for storing trash and debris. Ms. Esty
14 asked if Mr. Gardner had to show parking for the building. She said the site plan review
15 could trigger that and noted that Mr. Gardner should have a plan on file to show uses of
16 the parking lot. Mr. Mikielian said his department could ask them for uses of the parking
17 lot.

18
19 Ms. Esty said Mr. Gardner had a contract with the Town for a water betterment project
20 and hoped people who worked for the Town were not treated differently. Mr. King said
21 it was unfair to suggested that Mr. Mikielian was either lax in enforcement or was
22 somehow showing favoritism as there was no evidence to support such a claim. Mr.
23 King noted that the Town was subject to the bid process, which complaints of this nature
24 could not supercede. He recognized Mr. Bradley's complaints and was sure Mr. Gardner
25 had complaints about him. Mr. King said the Town had limited ability to do things and
26 added that over the years Mr. Mikielian had done as much as he possibly could. He said
27 they would investigate issues no matter where they occurred, contrary to an accusation he
28 read in the newspaper.

29
30 Ms. Murphy asked Mr. Mikielian if the nuisance bylaw could be strengthened and
31 wondered if Inspectional Services could bring forth suggestions to put more teeth into the
32 bylaw. Mr. Mikielian said the Town had a lot of tools available but wondered how far
33 the Town could go. He said eventually it would go to court, where judges could
34 determine that the fines were too much for the violation. Mr. Mikielian said he thought
35 the nuisance bylaw had been effective over the past few years but said it probably was
36 not perfect though he had no recommendations. He said they were being fair and treated
37 everyone the same. Mr. Mikielian said he knew there was a perception that they treated
38 different areas of the Town differently but said this was not true. He noted that two of
39 every three tickets issued were in the south side and noted this was because there were
40 more problems here because many businesses were located near residential areas.

41
42 Mr. Bradley said he never brought up the issue about zip codes and different
43 neighborhoods in Town until he was called by a reporter. He disagreed with Mr. King's
44 assertion that everything was okay because this issue had been ongoing for four years.
45 Mr. Bradley worried that if he and his neighbors stopped complaining then nothing would
46 be done about this matter. Mr. King said he did not suggest everything was okay but said
47 the problem was that matters had been resolved after they were addressed. Mr. Bradley

1 asked why there was no permanent solution. Mr. King said they were looking for one.
2 He said issues had been brought forth, resolved, and then brought forth again.

3
4 Ms. Murphy asked what Mr. Bradley would like to see. Mr. Bradley said he would like
5 to see a great corporate owner like the one before. He said when Mr. Gardner bought the
6 property he tried to work with him for a year and a half. Mr. Bradley said he agreed with
7 a parking plan and said Mr. Gardner did not care about the neighborhood or the Town.

8
9 Ms. Murphy asked if the court had a mediation program. Mr. King said this had been
10 used for other things and asked Mr. Bradley if this was acceptable to him. Mr. Bradley
11 said it was and Mr. King said he would look into this. Ms. Esty said this should be
12 applied to the entire downtown area. She said since she had been elected in 2000 there
13 had been issues about whether inspections got done in all, in particular at the wet shelter.
14 Ms. Esty said she had to call State inspectors to get an inspection completed. Ms.
15 Murphy said if the parties could pursue mediation on this specific instance then she
16 would like Town resources to be utilized and then possibly this could be used as a model
17 for other neighborhoods facing similar problems. She thanked Mr. Bradley for bringing
18 the matter to the Board's attention and Mr. Mikielian and Mr. Dave Kiniery for their
19 work as well.

20 21 Division Update: Human Resources

22 Ms. Monica Visco, Director of Human Resources, gave a PowerPoint presentation to the
23 Board. She noted the six members of the Human Resources (HR) staff and an
24 improvement in the personnel process, including more involvement in the recruitment
25 process with Department Heads. Ms. Visco also noted the function of providing
26 information to employees, including orientation, collective bargaining agreements,
27 personnel policy books, training to non-bargaining staff on personnel policies, and
28 mailings on changes such as HIPAA and Medicare D. She noted HR's responsibility to
29 manage the payroll process, including the conversion to MUNIS software, training
30 department level staff on payroll entry, and ensuring compliance with applicable laws,
31 agreements, and policies. Ms. Visco said another responsibility was managing worker's
32 compensation and noted that HR had worked with Blue Cross/Blue Shield (BC/BS) to
33 create wellness plans and injury avoidance. She also noted the responsibility of
34 managing all the benefits for the Town and noted an upcoming Health and Wellness fair
35 for employees. Ms. Visco said unemployment costs were a concern so HR worked with
36 departments to avoid such costs. She noted that HR was also focused on providing
37 training to staff and provided several examples of such. Ms. Visco said she had been
38 working closely with the Personnel Board and added that they had rewritten the
39 personnel by-law, established the minimum requirements for the Town Manager, heard
40 grievances, and written the affirmative action policy. She noted HR's goals of creating a
41 fully integrated HR department, creating a work environment that focused on safety and
42 wellness, improving the employment process, and continuing the development of the
43 personnel policies.

44
45 Mr. Thomas Davitt, Director of Veterans Services, noted accomplishments such as
46 honoring World War II veterans and Gold Star wives and mothers, a rededication of the
47 Rotunda on Memorial Day, a recognition of the 50th anniversary of the Armistice of the

1 Korean War, and a flag retirement program. He noted Veteran's Services goals,
2 including improving community access for veterans, establishing a program of support
3 for homebound veterans, providing application services for veterans applying for a
4 veteran's license plate, processing and requesting VA grave markers, and improving VA
5 medical health care enrollment through automation of the process for each veteran
6 applying. Mr. Davitt also noted upcoming community programs such as Veterans Day,
7 Pearl Harbor Day, Memorial Day, Americanism, Transfer of Flags, and Flag Retirement.

8
9 Mr. Sisitsky asked for an estimated date on an Affirmative Action plan. Ms. Visco hoped
10 for one by the end of the calendar year.

11
12 Mr. Stasik asked about unemployment costs and Ms. Visco said Town was trying to
13 manage these costs.

14
15 Mr. Sisitsky asked if all the activities in the presentation were for non-school personnel.
16 Ms. Visco said the Town was not involved in recruiting, hiring, discipline, and collective
17 bargaining for the school department but HR did manage worker's compensation,
18 unemployment, benefits, and payroll.

19
20 Mr. Stasik asked about the wellness programs that had been implemented so far and
21 wondered about health care cost benefits. Ms. Visco said HR was given access to higher
22 cost areas for health coverage and worked with BC/BS to focus on things like lessening
23 the visits to emergency rooms. She said much of it was information such as mailings and
24 posters and now HR was conducting seminars and walking-at-work events.

25
26 Ms. Esty asked if some of these programs would be credited toward reducing insurance
27 costs. Ms. Visco said a goal was to minimize employees' access to medical care. Ms.
28 Esty said she thought MIAA indicated that the Town could get credit for having such
29 programs. Mr. King said the Town was self-insured so healthier employees cost the
30 Town less. Ms. Esty hoped the Board could tie what HR did to grants.

31
32 Ms. Esty asked Mr. Davitt about the Americanism program and thought the community
33 could set an example by restoring the flag poles, which she said were in deplorable
34 condition. Mr. Davitt said this was a work in progress by Mr. Jim Egan's Building
35 Services Department. Mr. King said the Town should pursue deal from a cell phone
36 company that would utilize a flag pole as a cell phone tower and pay the Town \$15,000
37 for it. He said the Historic District Commission opposed this plan. Mr. Stasik asked why
38 the commission was opposed to this and Mr. King said because the new pole would not
39 be made of wood.

40
41 Mr. Stasik said Mr. Davitt did a very good job with the programs he planned. He asked if
42 the medical center was federally funded and if it was only for veterans. Mr. Davitt said it
43 was for veterans only and it was federally funded.

44
45 Ms. Murphy thanked both Ms. Visco and Mr. Davitt for their important work and asked
46 Mr. Davitt how many people worked in the Veterans' Services Department. Mr. Davitt

1 said there was another person who worked four days per week and two other
2 Framingham residents who were participating under the tax relief program.

3
4 Town Manager Search Update

5 Mr. King said the RFP was out and asked who would evaluate responses to it. Ms.
6 Murphy asked who had done it in the past. Mr. King said HR did but he thought the
7 Board itself could do it. Mr. Sisitsky thought this was part of the Town's purchasing
8 function with Ms. Visco's assistance. Mr. King said this was the most expedient way to
9 do it but he wanted to give the Board a chance to decide. Mr. Stasik said felt there would
10 not be a large number and felt the Board should look at them. He said Mr. Purple and
11 Ms. Visco's assistance would be appreciated. Mr. Sisitsky suggested Mr. Purple and Ms.
12 Visco do a preliminary evaluation. Mr. King said he would propose a process at the
13 November 8, 2005 meeting, which was still two days before the deadline. Ms. Murphy
14 said the Board would appoint search committee members at that meeting.

15
16 Ms. Murphy felt it was necessary to have respectful dialogue on the search committee
17 throughout the process. She asked for the following motion: "If a search committee
18 member cannot maintain a level of respectful dialogue the Board would move to remove
19 that person and have them be replaced by a majority vote of the Selectmen."

20
21 Mr. Stasik said he agreed with the concept but wondered how the Board would know this
22 happened. Ms. Esty said it was unfortunate to anticipate this. Ms. Murphy said this was
23 based on past experience and such behavior could discourage participation on this
24 committee. Ms. Esty said this was a democracy and hoped anyone appointed would be
25 able and intelligent. Ms. Murphy said her point was if respectful dialogue could not be
26 maintained then the person would be removed. She expected and welcomed all
27 perspectives. Ms. Esty wondered why the committee chair could not handle such a
28 matter and wondered how people in the past were selected. Ms. Murphy said these
29 people were chosen by the Board and moderator.

30
31 Mr. Sisitsky suggested that if a majority of the committee felt that one member was being
32 disruptive or unhelpful then they could report back to the Board, at which time the Board
33 could possibly take action. Mr. Stasik agreed and said that this was the Board's
34 committee and as such the Board could convey its preferences as to what was considered
35 appropriate. Ms. Esty asked who picked the committee chair. Mr. Sisitsky said he
36 thought the committee would pick the chair. Ms. Esty suggested sending a letter to the
37 chair and including Mr. Sisitsky's recommendation.

38
39 Mr. Stasik asked for a job description from the Policy Subcommittee and Ms. Murphy
40 said she hoped to have it out by Tuesday.

41
42 Town Manager's Report

43 *Memorial Building Heat*

44 Mr. King said the repairs to the system were nearly complete and stated that one boiler
45 had been turned on to provide heat as of October 27, 2005. He said this should solve the
46 heating problem for at least this winter.

1 *Medicare D*

2 Mr. King said the Town finished the submission of the Medicare D application before the
3 October 31, 2005 deadline. He said this was a substantial amount of work and credited
4 Ms. Visco for her diligence.

5
6 Ms. Esty asked if Mr. King was able to locate the heating study. Mr. King said a draft
7 copy was received last summer and he did not like it and asked them to do more work
8 and said they were close to getting it back. Ms. Esty asked about alternative sources of
9 heat. Mr. King said it was not in this study because that was not in the original
10 specifications. He said the Town was not precluded from adding "green sources" when
11 going out to bid for this.

12
13 *MBTA Issues*

14 Mr. King said had a meeting with the MBTA today. He said the maintenance person
15 seemed less concerned about MBTA duties and more about the Town's shortcomings.
16 Mr. King said they produced a 1970s document claiming the Town was responsible for
17 maintaining a portion of the station. He said he encouraged them to not overlook the
18 majority of the station, which was their responsibility. Mr. King said the MBTA entity
19 was sympathetic though some of their employees were not.

20
21 Mr. Stasik said he mentioned this to an MBTA official last week and was told that they
22 spent a better part of the day cleaning up the area. Mr. King said it looked better but
23 there were still substantial issues. He said they needed to clean up and have a long term
24 maintenance schedule. Mr. Stasik asked if it would be useful to take photographs or give
25 a presentation to MBTA officials regarding who had what responsibilities. Mr. King said
26 he did not think this was necessary yet and was cautiously optimistic. Ms. Esty said
27 some squares had been adopted by landscapers and all agreed this should be pursued.

28
29 *SMOC Complaint*

30 Mr. King said he received a letter from SMOC expressing concern about Mr. Stephen Orr
31 and another companion entering the wet shelter under the auspices of being members of a
32 Selectmen's committee. He communicated with Mr. Orr who confirmed he went but
33 claimed he identified himself as a Town Meeting Member and said they only stayed 15
34 minutes to see what the shelter was all about. Mr. King asked the Board if they wanted to
35 respond in any sort of way.

36
37 Mr. Stasik said Mr. Orr was not operating under authority from the Board. Mr. King said
38 Mr. Orr said he never stated this. Mr. Sisitsky suggested sending on Mr. Orr's
39 explanation to Mr. Jim Cuddy, SMOC Director.

40
41 Ms. Esty asked if SMOC really was private or if it would be open to such a visit or not.
42 Mr. King said he was sure they would be willing to teach about some of their operations
43 but was not sure it was open for 24-hour viewing. He thought SMOC's concern was that
44 the person was operating under a pretence of Board authorization to intimidate their staff.
45 Ms. Esty asked for a copy of their rules, including their operation hours. Mr. King said
46 they opened at 8 PM and closed at 10 or 11 AM. Mr. Stasik said even if SMOC was
47 publicly funded he did not believe this meant any community member could enter to see

1 what was taking place and to operate under the authority of the Town as a Board
2 representative or a Town Meeting Member. He said the appropriate thing to do would be
3 to notify SMOC in advance and said this is what he did when he was in the Legislature.
4 Mr. Stasik said he wanted the record to reflect that the Board did not authorize this visit
5 and agreed with Mr. Sisitsky that this should be turned over to SMOC.

6
7 MOVED: To inform SMOC that the Board of Selectmen in no way authorized Mr. Steve
8 Orr to act on their behalf when entering the shelter.

9 Motion: Mr. Stasik Second: Mr. Sisitsky

10 VOTE: 4-0-0

11
12 *Chief Financial Officer (CFO)*

13 Mr. King said the new CFO started on October 31, 2005 and they had already discussed
14 several budget challenges. He said the fiscal year 2007 budget should be better than
15 projected.

16
17 Mr. Sisitsky asked for update on the State supplemental budget. Mr. King said it would
18 include a \$30,000 allocation for Tercentennial Park, \$75,000 for the Danforth Museum,
19 and \$75,000 for Athenium Hall. He said these were important projects but the snow and
20 ice deficit was very important and did not understand the Legislature's reluctance to fund
21 this.

22
23 Mr. Stasik asked if the Town was clear on Ms. Murphy's suggestion as to how the
24 Bradley situation would occur. Mr. King said he would ask the Police Department about
25 mediation and costs and would do his best to get it there. Mr. Stasik asked if the Board
26 would take up Mr. Gardner's lawyer's willingness to come see the Board. Mr. Sisitsky
27 suggested letting mediation work first.

28
29 Selectmen's Reports

30 *Route 126/135 Committee Update*

31 Mr. Stasik said Dep. Chief John Magri would represent the Framingham Fire
32 Department.

33
34 MOVED: To appoint John Magri to the Framingham Fire Department position.

35 Motion: Ms. Esty Second: Mr. Stasik

36 VOTE: 4-0-0

37
38 Mr. Stasik noted that Ms. Veronica Smith did not want to sit on the committee although
39 she was appointed. He said the next step would be the procurement of bids for the
40 consultant.

41
42 Mr. Stasik said there was an upcoming legislative breakfast and noted this was an
43 opportunity for Board members to bring up concerns, including the Dover Amendment
44 and the RTA.

45
46 Mr. Stasik said he needed to sign a START application.

1 Ms. Esty hoped the area delegation voted to strengthen the drunk driving laws.

2
3 Ms. Esty said the MWRA relined Framingham's relief sewer and the regular line going
4 through Natick and Wellesley. She said the linings beyond Natick were showing wear.
5 Ms. Esty said the Town had to make sure these got fixed and that the Town did not get
6 assigned damages. She said the MWRA notes stated that Mr. Carroll asked what the
7 status was with Unilever's compliance with discharges and that staff suggested the issue
8 be taken up in executive session but staff noted in open session that Unilever was
9 challenging Framingham's sewer assessment and not paying part of its bill. Ms. Esty
10 continued that the notes claimed Unilever challenged the legality of the high strength user
11 fee which Mr. Carroll stated that was an MWRA fee. She wondered if the Town had
12 taken advantage of this. Mr. King said the Town had already utilized this and would
13 update the Board further in executive session. Ms. Esty said they also discussed
14 payments in lieu of taxes (PILOTs) for watershed land and the Town used to get
15 \$200,000 per year. Mr. King said the Town still received this amount. Ms. Esty said that
16 the notes indicated that the MWRA had paid \$56 million in PILOTs to watershed
17 communities. She said a community could not receive less PILOT funds than it did in a
18 previous year. Ms. Esty noted options the MWRA presented to reduce these payments,
19 including reclassification of land and transfer to another State agency. She warned the
20 Town could end up getting 24% instead of a 100% allocation. Ms. Murphy asked Ms.
21 Esty to bring up these concerns at future MWRA meetings.

22
23 Ms. Esty noted a letter from Ms. Anne Mosedes who was in the Coast Guard and taped
24 interviews with World War II veterans. She said that Ms. Mosedes indicated that she was
25 proud to be part of the victory.

26
27 Mr. Sisitsky commended Ms. Murphy on a very successful immigration conference on
28 Monday, October 3, 2005. Ms. Murphy said it was a Board initiative and noted that there
29 were great speakers at the event.

30
31 Ms. Murphy said the Board of Public Works and Director of Public Works had come in
32 to discuss I/I fees and she had heard there had never been an effective date mentioned.
33 She asked if the Board wanted to set a date for this. Mr. Sisitsky asked if there needed to
34 be a notice to change fees. Mr. King said he would look into this but suggested picking a
35 date in the meantime. Mr. Sisitsky suggested January 1, 2006.

36
37 MOVED: To set the effective date for the I/I fee as January 1, 2006.

38 Motion: Mr. Sisitsky Second: Mr. Stasik

39 VOTE: 4-0-0

40
41 Ms. Murphy noted a conversation between she and Mr. Giombetti at a recent Board
42 meeting about crime downtown. She said there was a misperception amongst some that
43 she was taking the challenges downtown too lightly. Ms. Murphy clarified that when she
44 said she didn't hear crime as being a primary concern around the community that this did
45 not mean she thought crime did not exist. She said the primary issues people contacted
46 her about were taxes, education, and transportation. Ms. Murphy said that she was
47 downtown frequently and was concerned about the issues, which was why she was taking

1 action on it. She noted that she sat on the Framingham Downtown Renaissance (FDR)
2 committee. Ms. Murphy noted a Framingham Police Department (FPD) survey that
3 indicated that over 60% of downtown businesses who were surveyed felt less fearful or
4 not fearful at all and this was what she based her information on in part. Ms. Esty agreed
5 that there were many things that could help with crime downtown and said what she was
6 asking for were the strategies developed from the survey by the FPD for fighting crime.
7 She said one of the strategies would be for the social service agencies to come in and
8 describe programs available for their clients during the day. Ms. Esty noted other ways
9 to improve this.

10
11 Ms. Esty noted a call from a resident about a complaint with a landscaping company and
12 she noted one of the employees was a level three sex offender. She wondered if the
13 neighborhood was notified that this person would be there working amongst them and
14 their children. Ms. Esty said this was supposed to be circulated within 300 feet of where
15 that person was working.

16
17 MOVED: To enter into executive session for the purpose of litigation and bargaining for
18 a non union employee and to come out of executive session for the sole purpose of
19 adjournment.

20 Motion: Mr. Stasik Second: Mr. Sisitsky
21 VOTE: 4-0-0

22
23 The Board entered executive session at 9:58 PM. The Board returned from executive
24 session at 10:18 PM.

25
26 MOVED: To adjourn.

27 Motion: Mr. Sisitsky Second: Mr. Stasik
28 VOTE: 4-0-0

29
30 Meeting adjourned at 10:18 PM.

31
32
33 Respectfully submitted,

34
35
36
37 Charles J. Sisitsky, Clerk